

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Millar et al.
Appl. No. : 10/543,017
Filed : July 24, 2006
For : ASSAY FOR DETECTING
METHYLATION CHANGES IN
NUCLEIC ACIDS USING AN
INTERCALATING NUCLEIC
ACID
Examiner : Chunduru, S.
Group Art Unit : 1637

RESPONSE TO RESTRICTION/ REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction/Election requirement mailed **August 8, 2007**, the Examiner restricted the pending claims into two patentably distinct inventions

- I. Claims 1-27, drawn to a method for detecting the presence of a target nucleic acid in a sample.
- II. Claims 28-32, drawn to a kit.

Applicants respectfully note that claims 1-32 were canceled in a preliminary amendment filed July 22, 2005, and new claims 33-64 were added. Thus, claims 33-64 are pending in the application, not claims 1-32. Claims 33-64 are the same as claims 1-32, except that claims 33-64 do not contain multiple dependencies. Thus, the Restriction Requirement should be as follows:

Appl. No. : 10/543,017
Filed : July 24, 2006

I. Claims 33-59, drawn to a method for detecting the presence of a target nucleic acid in a sample.

II. Claims 60-64, drawn to a kit.

In response to the Restriction Requirement, Applicants hereby elect **Group I** (Claims 33-59). Applicants reserve the right to pursue the remaining claims in a divisional application.

No fees are believed to be due. However, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 7, 2007

By: 
Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550

4117706
080907